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ABSTRACT

The Associates Program of the Institute for Educational Leadership is a network of educational policy-makers in over 30 states. Each state's Associate conducts several seminars each year for the benefit of the state's key policy-makers. In 1977 these Associates (then numbering 23) and the participants in their seminars responded to questionnaires designed to assess general policy-making directions and implications at the state level across the nation. This report identifies several policy areas considered crucial by respondents, including educational finance in the wake of the Serrano and Rodriguez decisions and the Jarvis tax initiative; minimal competency testing; collective bargaining; academic freedom and financial accountability in higher education; the mandate for mainstreaming; declining enrollment; and the changing role of the state in education. The relationship between state and federal authority and the impact of politics are considered in light of all these issues. The report is identified by its author as "impressionistic" and acknowledged to be limited because of the nature of the sources of its data, though those sources are considered important and knowledgeable. (PGD)

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EDUCATIONAL POLICYMAKING 1977-78
A SNAPSHOT FROM THE STATES

A REPORT
TO
THE ASSOCIATES PROGRAM
INSTITUTE FOR EDUCATIONAL LEADERSHIP

BY

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FOREWORD

This report represents a further attempt to draw upon a rich source of information on policymaking in American education, namely the men and women who serve as IEL Associates and direct a nationwide network of educational policy seminars known as The Associates Program (TAP).* From their vantage points as Associates, and from their vantage points as important policy actors in their own right, these men and women have acquired first-hand knowledge of the people, the issues, and the processes that comprise the world of educational policymaking at the state-level.

They have shared this knowledge for some six years now through their annual reports, which have provided first-hand insights into the issues and events affecting the educational policy process in the several states. But for the past two or three years there has been discussion of going beyond the annual reports. We talked about developing, if we could, a single annual report on "The State of State Educational Policymaking". We wanted to further draw upon--and synthesize--the knowledge and insights of the Associates. We wanted to produce a report that would bring together in a coherent whole the individual perceptions and impressions of our Associates.

Accordingly, we arranged with Ellis Katz, Acting Director of the Center for the Study of Federalism at Temple University and our Pennsylvania Associate to undertake the task of preparing such a report. Professor Katz, over the course of several months, interviewed each of the 22 Associates who comprised the TAP network in the Fall and Winter of 1977, seeking to gain from them a comprehensive picture of the policy issues facing the states and an understanding of the processes that the states were employing to address these issues. While the information drawn from the Associates constitutes the major data source, Professor Katz also drew on other information already available in published form. From these two sources, he developed this report.

Our expectation was for a rich, illustrative, largely impressionistic interpretation of what's going on in the TAP states.

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*The Associates Program (TAP) is fully described in Appendix A.

We wanted a report that would represent a systhesis of data from all TAP states, not simply a recounting of activities in the individual states. We thought that the work might serve as a model for an annual report on educational policy-making in the several states. Whether this present document has succeeded in meeting these objectives, we leave for you the reader to decide.

And because we are committed to continuing our efforts to further develop TAP's policy monitoring capability, and because we see this as one part of those efforts, we would appreciate your reactions, your comments, your suggestions--not only about this report but also about how we might better tap the rich source of policy lore present in our network of Associates.

C. Philip Kearney
Associate Director
for State Programs

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I. EDUCATION AS A STATE ISSUE

The 1970's have been characterized by an increasing state involvement in education. Just as the 1960's witnessed major education initiatives by the federal government, it appears that the 1970's will be marked by an expanded state role in both the formulation and implementation of educational policy.

During 1977-78, education was a major issue in all of the states. Almost without exception the Associates identified "education" as one of the two or three most important political issues on state agendas. Education consumes more state resources than does any other policy area. In many states, educational expenditures account for over 50% of the state budget. And the Associates report increasing pressure on state governments to make basic decisions about various aspects of the educational system.

A Variety of Educational Arrangements

It must be remembered, of course, that there is great diversity among the states in educational arrangements. Some states have a tradition of strong state involvement in educational matters while others have tended to maintain strong local control.

Frederick W. Wirt, a respected scholar on the politics of education, has classified the states according to the degree of centralization in a state's educational system. He found that states such as Hawaii, Oklahoma, Alabama, and South Carolina were high in their degree of centralized decision-making. On the other hand, states such as Wyoming, Connecticut, Massachusetts, and Missouri have systems of strong local control. Not surprisingly, the highly centralized states pay a high portion of the total cost of public education--in excess of 75 percent. The states with a tradition of strong local control, on the other hand, provide, on the average, only about 20 percent of the cost of education.

A Variety of Educational Issues

The precise nature of educational issues also varies from state to state. Budget surpluses, as one finds in California and Texas, provide a different context for educational finance issues than do budget deficits. Some states continue to experience elementary and secondary school enrollment growth while other states are facing severe decline. States such as Illinois, Michigan, New York and Pennsylvania are being forced to deal with the impact of urban problems upon the schools while other states must devote continued attention

to providing adequate educational opportunity to essentially rural populations.

1977-78 saw the states deal with a variety of educational issues. Both Alabama and Georgia, for example, launched state-mandated kindergarten programs. California and Florida have special problems with regard to bilingual education. Mississippi reinstituted compulsory education for the first time since 1955. And desegregation is reported to be a continuing problem in Illinois and Ohio.

Nevertheless, there are certain commonalities that one finds in almost all states. Educational finance, in one form or another, is an issue in most states, as is competency testing and education of the handicapped.

Education and Public Opinion

Nor does the public and political mood on education appear to vary very much from state to state. Basically, almost all states are facing a decline of public confidence in educational institutions. According to a recent Gallup Survey,only 37 percent of Americans would rate the public schools as excellent or good. Only four years ago, in 1974, 48 percent of the population rated the schools in these categories. And the percentage of citizens who rank the schools as poor or failing has increased from 11 percent in 1974 to 16 percent in 1977. There is, of course some geographical variation in how citizens view their schools, Westerners being much more critical of their schools than citizens in other areas of the country.

According to these same Gallup polls, "lack of discipline" continues to be the single most important problem with the schools. This is confirmed in the report presented here. In almost all of the 23 TAP states, "lack of discipline" was mentioned as the biggest problem of the schools as the public perceived them.

Leadership Attitudes Towards Education

It is much more difficult to gauge the attitude of political leaders towards the schools: public opinion polls do not tap the attitudes of state legislators, governors and other educational decisionmakers But the reports from the Associates give one the impression that the attitude of political decisionmakers might best be characterized as "cautious." Partially as a result of Serrano-type litigation, many states put considerably more resources into the public schools during the late 1960's and early 1970's. From 1961-62 until 1975-76, the states' share of cost of public education increased from

about 40 percent to well over 47 percent. In some individual states, the state's share has increased dramatically. For example, in Illinois, the state's share has gone from 20 percent to 49 percent; in Kansas, from 23 percent to 49 percent; and in Maine, from 28 percent to 48 percent. Yet in each of the states, as in the United States as a whole, the schools press for more money, many student test scores continue to decline, and public confidence in the schools has not increased.

In light of this increased financial support without measurable gains in educational output, many state legislatures are demanding greater accountability of the schools and are translating this demand into a requirement for some form of minimal competency testing or local school district planning. Both California and New Jersey, for example, used the occasion of court-ordered school finance reform to enact competency testing programs.

Education As A Social Service

While it must be emphasized that there is no evidence to indicate that America's traditional faith in education has been shattered, there does seem to be considerable doubt about the ability of existing educational institutions and leaders to fulfill the promise of education. However, it would be inappropriate to characterize the current mood as "anti-education." Rather it appears to reflect a disappointment about the record of educational institutions and a resulting caution about unrestricted support for existing educational processes.

Consequently, education may be losing its privileged place as a unique governmental function. Instead, it is more and more seen within the context of social services generally. Education, in and of itself, is rarely an issue--few oppose the "idea" of education. But it becomes an issue in relation to such factors as taxation, economic growth or other broad social issues. As a result, political decisionmakers are facing the difficult choice of devoting resources to education or to some other equally deserving social service.

Thus, it must be emphasized that there is a political context to educational issues. Issues of school finance, for example, cannot be understood in isolation from broader considerations of government spending and tax policy. The issue of minimal competency testing in education can perhaps be best understood as an aspect of a more general demand for accountability in government services. And continuing issues of collective bargaining for teachers should be seen in the broad context of economic growth or decline.

By the same token, educational issues get resolved (or fail to get resolved) by a political process that is similar to the process that resolves societal issues generally. There are, of course, important differences between the political process of educational decisionmaking and the political process that resolves, say, issues of health care policy. But whatever those differences, it would be a serious error to conceive of education as something apart from politics.

With this caveat in mind, it is now appropriate to identify and explore the major educational issues that faced the states during 1977-78.

II. EDUCATIONAL FINANCE: THE PERENNIAL ISSUE

In almost all of the TAP states, school finance was identified as the major issue of 1977-78. The exact nature of this issue, of course, varied from state to state. Some states--California, Connecticut, Ohio and Washington--struggled with court-ordered school finance reform. In other states, such as Michigan and Pennsylvania, the legislature passed emergency measures to bail out desperate urban school systems. Voters in Maine overturned state-wide property assessment and taxation, and the legislature is faced with an immediate problem of replacing lost revenue. South Carolina and Texas passed new finance laws which greatly increased the state's contribution towards the cost of public education. Alabama education saw increased competition from other services and the legislature fought back a gubernatorial attempt to divert funds earmarked for education to other purposes. And Florida will face the need for a huge increase (from 10 to 26 million) for compensatory education funds in view of the results of its first state-wide competency testing.

School Finance Reform

School finance reform has been an issue on the agenda of many states since the first Serrano decision in 1971. In the Serrano decision, the California Supreme Court declared that the state's system of school finance was unconstitutional because it made the quality (cost) of an individual child's education dependent on the property wealth of the school district in which the child happened to live. Even after the decision of the United States Supreme Court in the Rodriquez case, which rejected much of the reasoning of the California Court, several state courts have declared their state's school finance system unconstitutional--sometimes on the basis of the state constitution's "equal protection" clause and sometimes on the basis of a "uniformity" or "thorough and efficient" clause. Courts in California, Connecticut, Ohio, New Jersey and Washington have all held their state's school finance system to be unconstitutional. (The Michigan Supreme Court made a similar ruling in 1972 but later reversed itself).

Other states--Arizona, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Maine, Minnesota, Montana, New Mexico, North Dakota, Texas, Utah and Wisconsin--have also undertaken significant school finance reform since the early 1970's. In each of these states, reform resulted in an appreciable increase in the state's contribution to the cost of education. Overall, in these "reform states," the state's share of the cost of public education increased from an average of 39 percent before reform to approximately 51 percent after reform.

Obviously, the pattern varied from state to state; Kansas' share increased from 29 percent to 47 percent while Florida's share increased 61 percent to 62 percent.

During 1977-78, both Texas and California passed significant school finance legislation. In Texas, the state provided almost one billion dollars of additional state aid for education, but with relatively little equalizing impact. California, on the otherhand, completely rewrote its school finance law. California, which was under court order to reform the school finance system by 1979, used the opportunity to write what might appropriately be called an "omnibus education law." The new law, which has significant equalizing impact, levels-up all districts to the seventy-fifth percentile and imposes a minimum tax rate. Wealthy districts which tax at the minimum rate and produce excess revenue must surrender that excess to the state for redistribution to poorer districts.

But the California system goes further than equalization and contains a number of significant categorical programs as well. It provides special funds for such programs as special education, compensatory education, in-service education, textbooks, and has special provision for additional aid to the largest cities. And most interesting, it mandates local competency testing.

The California reaction is especially notable in that the mandate to reform school finance was turned into an opportunity to take another look at the entire educational enterprise. This is probably not an unusual pattern. Since school finance reform means the commitment of greater state financial resources (largely because of leveling-up), state legislatures often combine increased financial aid with some demand for accountability, usually in the form of competency testing. New Jersey, for example, added state-wide educational assessment and mandated local planning to its recent school finance reform legislation.

During 1977 and 1978, state courts in Ohio and Connecticut found the school finance systems in those states to be unconstitutional. In Ohio, the legislature had reformed its school finance system in 1973 but had never funded the new formula. A trial court found that the new formula itself was unconstitutional but placed emphasis on the fact that the new formula had not been adequately funded. The state is appealing the decision and the legislature will not take any action during the current session--1978 is an important election year in Ohio with the Governor himself up for reelection. In Connecticut, the State Board of Education has appointed a special task force (headed by the Chairman of the Joint Education Committee) to make recommendations on

school finance. That Committee has held hearings throughout the state and, apparently, has already made some basic decisions about the contours of a new finance scheme. But it is clear that the legislature will take no action on the matter this year - 1978 also being a major election year in Connecticut.

Other Finance Issues: Ohio and Pennsylvania

Financial issues arise in other states in other forms. In several states, including Pennsylvania and Ohio, the state legislatures passed emergency legislation allowing state districts to borrow money in order to prevent school closings. The situation has been most severe in Ohio. Ohio law forbids local districts from operating at a deficit and, at the same time, requires local districts to secure voter approval before instituting a tax increase. During 1977, over 50 separate school districts notified the State Department of Education that they faced deficits during the current year and would close before the end of the school year unless voters approved increased taxes. In fact, in most cases, the voters did approve school tax increases but a number of districts were forced to close for varying periods of time. Despite this crisis situation, Governor Rhodes' proposed budget called for only about half funding for the state's equal yield formula school finance law.

In Pennsylvania, the school finance crisis was largely confined to the urban schools. The School District of Philadelphia, which does not have independent taxing power, forecast a significant deficit for the 1977-78 school term and claimed that the schools would not be able to finish out the academic year. The City of Philadelphia was unwilling to devote more of its own resources to the schools and the State would not pass a tax increase to provide additional money to the Philadelphia schools. Instead, the state legislature used the money that would have normally been appropriated to the state-related universities to provide additional funds to Philadelphia and other school districts. While this temporarily solved Philadelphia's problem, it forced the universities to begin their fiscal years without an appropriation. Consequently, those universities had to borrow money (at commercial interest rates) to meet their operating expenses until the legislature finally raised taxes and passed a special appropriation in December. According to some observers, the School District of Philadelphia, while officially projecting a balanced budget, actually faced a deficit for 1978-79.

The Philadelphia situation points out a problem facing many states with large urban concentrations. Philadelaphia now spends approximately $1,000 more per pupil than the state

average, has the highest ratio of professional employees to students in the nation, and already receives a higher percentage of its costs from the state than do many other districts. To complicate matters further, Philadelphia, like many large districts, is losing students at a faster rate than many other districts in the state. Finally, the East/West split in Pennsylvania politics has increased in recent years and state legislators, even those from urban Pittsburgh, are not likely to support proposals that would provide significantly more state resources for the Philadelphia schools.

Taxation As An Issue

In some states, the other side of the school finance question--taxation--has taken on paramount importance. In Maine voters, by a three-to-two margin, repealed that state's state-wide property tax. Starting with a movement among voters in the property-rich coastal region, the drive to repeal attracted support among voters throughout the state, even in those districts were voters clearly benefitted from the system. In Nebraska, the legislature was able to pass legislation that significantly increased the state's contribution to the cost of public education but a citizen's movement gathered enough signatures to force a public referendum on the issue. According to observers, Nebraska voters may well vote down the increased spending.

Most significant is the recently passed Jarvis-Gann initiative in California. That initiative restricts local spending to one percent as assessed evaluation and makes it very difficult for local communities to increase spending. It is difficult to predict the precise impact on Jarvis-Gann on public services generally, but the strength of support for it should serve as a message that the long-awaited "tax revolt" has finally arrived. According to a recent report, thirty-three states already report political activity in support of a Jarvis-Gann type proposal. It remains to be seen what the full impact of the initiative will be on public education in California and whether the "California solution" will be transferred to other states.

Many states have already recognized the strength of taxpayer sentiment and have taken steps to curb local taxation. In some states, the trade-off for increased state spending for education has been a provision that would cap local educational spending or put a lid on local property taxes. In fact, state taxation has risen less rapidly than either federal or local taxation and, as a more elastic source of revenue, may gradually come to replace much local taxation.

Some Observations

Some finance reform, urban fiscal crises, and taxpayers' revolt hardly exhaust the list of financial issues confronting public education. But even from this limited exploration of financial issues, several points are clear.

First, school finance reform is not something that is done once and then forgotten. Both theoretical and legal conceptions of what is appropriate in school finance are constantly changing. Consequently, when a legislature changes its school finance scheme to conform to current legal conceptions, there is no assurance that those conceptions will not be expanded or altered a few years later. Equality was clearly the central focus of the Serrano decision, as well as in several other state court decisions. It may be that "equality of output" will replace "equality of input" in the legal briefs of attorneys in the years to come.

Second, financial reform is easier when a state has a budget surplus, as was the case in California and Texas. Much state budget surplus has been due to the impact of inflation on sales and income tax revenues. If inflation slows, then budget surpluses can quickly turn to deficits and the leveling-up political requirement of reform may become considerably more difficult. In this regard, it will be especially interesting to watchthe progress of school finance reform in Connecticut, which seems to lack the luxury of a revenue surplus.

Third, legislators have seen only the surface of the cost of new educational programs. The cost of compensatory education in Florida, for example, is expected to jump from 10 million to 26 million in one year. Florida's competency-based graduation requirement is already being challenged in the courts. One possible outcome of that suit will be to require the state to provide fuller compensatory education programs for those students who fare poorly in the tests. Similarly, the eventual cost of education for the handicapped is not clear. While Public Law 94-142 promises substantial federal funds for special education (i.e., as the law now stands, the federal contribution will reach 40% of the cost of special education by 1982) the major portion of the cost will remain with the states and localities. Furthermore, Section 504 of the Rehabilitation Act of 1973 requires the provision of appropriate educational facilities and programs as a civil right even if the Congress of the United States fails to fully fund P.L. 94-142. Also, while Public Law 94-142 places a limit of 12 percent on the total number of public school students in each state that can be classified as

"handicapped" for the purposes of that law,* Section 504 has no such limitation and requires the state to provide appropriate educational opportunities for all handicapped students.

Finally, the urban crisis of the 1960's has not been solved. Whether a state's school finance formula gives substantial aid to the cities or penalizes them, urban schools demand more money. Whether these demands for more money are just or not, is quite beside the point. The fact is that many urban school systems face financial disaster. To the extent that they are themselves unable or unwilling to resolve the crisis, then the states must act.

The Impact of Financial Limitations

Matters of finance and taxation provide the backdrop against which other educational issues arise and are resolved. Taxation and finance are related to educational outputs as measured by competency testing, to employee bargaining, to special programs for the handicapped and disadvantaged, and to new and continuing issues in post-secondary education. This is not to say that these other issues cannot be at least partially resolved. But it does mean that the fiscal constraints of the 1970's preclude certain kinds of solutions that would have been attractive ten years earlier.

*The Congressional estimate of the maximum number of students throughout the Nation who would require such services.

III. MEASURING EDUCATIONAL OUTPUTS: MINIMAL COMPETENCY TESTING

According to the May, 1978 issue of Phi Delta Kappan, "33 states had taken some type of action to mandate the setting of minimal competency standards for elementary and secondary students." According to the Kappan survey, the only states not to have moved in this direction were Alaska, Arkansas, Hawaii, Illinois, Iowa, Massachusetts, Minnesota, Mississippi, Montana, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Texas, West Virginia and Wisconsin. And, of these states, Mississippi now has an accountability law on the books (although the competency testing aspect of the law has not been implemented), Illinois passed a competency testing requirement during the last legislative session, Pennsylvania has the matter under serious consideration, Texas has undertaken at least a pilot testing program, Minnesota--which had a state-wide assessment program in the past--is likely to move in that direction again in the near future, and Ohio expects a report on minimal competency testing next year.

Types and Purposes of Tests

But as might be expected, the nature and purposes of competency testing vary from state to state. In some states - Georgia, for example--testing is required and univeral but its goal is wholly diagnostic. That is to say, test results on individual pupils are made available to teachers who use them to gauge the strengths and weaknesses of their students. In other states, testing is conceived as an instrument of accountability--that is, as a means of gauging how well an individual school district is doing, or in some cases, what the nature of the educational product is throughout the state. Finally, some states (Florida being the best known) intend to use the test for high school graduation and, perhaps, for grade promotion.

Second, some states mandate the use of a single state-wide assessment instrument (Florida, for example), while others simply require "testing" and leave test construction up to local districts (California, for example).

Finally, states vary with regard to how far along they are in their testing programs. Florida passed its statute in 1976 and has already gone through one complete testing cycle. Nevada, on the other hand, has just passed its law. The Nevada law simply requires the State Board of Education to prepare proficiency examinations in reading, writing and mathematics and precludes the granting of high school diplomas to students who cannot pass the examinations.

The Testing Movement Continues

While the competency testing movement certainly has its historical antecedents, the current trend is a development of the 1970's. In view of many observers, never has an educational innovation spread so quickly. According to information gathered in the preparation of this report, the movement towards some form of competency testing continues to spread among the states. During 1977, Alabama, California, Connecticut and Nevada reported some significant action relating to competency testing.

In Alabama, a State Board resolution mandated the State Department to develop standards for high school graduation. The State Department has appointed a committee and its recommendations are due later this year.

In California, AB 65, the new school finance legislation, requires local districts to develop tests to be used for remediation and grade promotion of elementary school students. (California since 1976 has had competency testing legislation for high school students).

In Connecticut, the State Board of Education has passed a resolution mandating a testing procedure aimed at early school leaving and is moving ahead with the development of a full-scale competency testing program.

And Nevada, as was indicated earlier, has passes legislation requiring the State Department of Education to develop a testing program to be used for high school graduation.

In other states competency testing continues to be a major issue. In addition to Alabama, California, Connecticut, and Nevada, competency testing was reported to be a major educational issue in Florida, Georgia, Illinois, Kansas, Nebraska, Oregon and Washington. As might be anticipated, the exact nature of the issue varies from state to state.

The Florida Experience

Florida, perhaps because its testing program is fairly well developed, poses some of the most interesting problems. In 1976, the Florida legislature passed the Educational Accountability Act, a comprehensive piece of education legislation with only a few sentences devoted to minimal competency testing. For our purposes here, the most significant aspect of the legislation was the requirement that all students would have to demonstrate mastery of basic skills and perform adequately on a functional literacy test in order to receive a high

school diploma. (This competency graduation requirement is to affect the June, 1979 graduating class). Assessment of student performance, which had already been taking place for students in grades 3 and 5, was extended to students in grades 8 and 11.

The results of the first round of testing, which took place in the Fall of 1977, were alarming. Overall, 36 percent of Florida eleventh graders failed the mathematics portion of the test and 8 percent failed the reading and writing portion. (To provide some standard against which to judge the magnitude of this failure, it should be pointed out that in Denver, Colorado, which has had a competency graduation requirement since 1959, only about 3 percent of the high school seniors fail to obtain high school diplomas). Furthermore, and equally disturbing, in the Palm Beach area, almost 90 percent of the juniors who failed the test were non-white. In light of these developments, Time magazine used the headline "Florida Flunks" in introducing its story on the Florida experience.

It is unfortunate (and perhaps unfair) that so much of the public and professional reaction to the Florida program has focused on the eleventh grade test results. The Florida tests, besides being used as a requirement for high school diplomas, also have diagnostic and remedial goals. In Florida, compensatory education funds are distributed, in part, on the basis of test scores. For 1977-78, compensatory education funds totaled $10 million; for 1978-79, they will exceed $26 million.

Some Implications

The Florida experience is also suggestive of what other states might expect as they implement their programs. A suit has been filed challenging Florida's testing program. The Florida NAACP, which is supporting the suit, alleges that the testing discriminates against non-whites. Further, it charges that "test failure" is really "school failure" and, therefore, if Florida is to continue using the test as a basis for high school graduation, they it must take such remedial measures as are necessary to assure that the impact of the test is non-discriminatory. Whether or not the $26 million that the legislature appropriated for 1978-79 is adequate for this purpose remains to be seen.

Whatever the outcome of the NAACP suit, it is interesting to see how questions of competency testing lead to questions of school finance. If compensatory education funds are to be distributed on the basis of educational need as measured by test performance, then mere "fiscal neutrality"

is not enough. Ultimately, the measure of the adequacy of educational input (dollars) must be measured by the equality of educational output (test scores). School finance litigation in the late 1970's might well stress the goal of equality of output rather than equality of financial resources.

The equality issue also raises questions about education of the handicapped. In Florida, it is expected that special education students will be eligible for "special diplomas," based on performance criteria developed by the local districts rather than regular high school diplomas. The implications of such "special" diplomas are not clear. And if large numbers of handicapped students receive certificates of completion rather than diplomas, then it is possible that a suit similar to that filed by the NAACP on behalf of non-white students, could be filed on behalf of the handicapped.

Testing for Graduation

In Florida, as in many states, competency testing is used to serve two purposes: diagnostic and remedial on the one hand, and as a criteron for graduation (or promotion) on the other. Educators, often with the support of political leaders, have worked to develop diagnostic testing tools for some time. But professional educators do not appear to be enthusiastic supporters of testing for graduation purposes. This latter movement has been almost entirely an initiative of state legislatures. In Nevada, for example, the legislative mandate that the State Department develop appropriate testing procedures was taken without either substantial consultation with or support from the professional community. Connecticut passed a testing bill during the past legislative session. While the goal of that testing program is essentially remedial and diagnostic, it would not be surprising to see increased legislative and popular pressure to use the test results as a critereon for graduation.

As far as can be determined, 18 states now require competency tests for high school graduation. These states are Alabama, Arizona, California, Delaware, Florida, Illinois, Maryland, Nevada, New York, North Carolina, Oregon, Tennessee, Utah, Vermont, Virginia, and Wyoming. In most instances, state legislation was passed within the past two or three years but the testing requirement for graduation will not go into effect until the early 1980's.

Five additional states have competency-testing legislation

but leave it up to the local districts whether or not to use the test results for high school graduation purposes. These states include Colorado, Idaho, Indiana, Kansas, and New Mexico. In most other states that have some form of competency testing, the law or regulation is silent about the use of such tests for graduation; only Nebraska specifically forbids the use of the state-developed test for graduation or grade promotion.

But many observers believe that the short-run trend is toward the use of competency tests as a requirement for high school graduation. Over the next few years, this is surely to be a major issue in many states.

Testing the Teachers

Finally, it should be mentioned that the competency testing movement is not confined to elementary and secondary education. At least three states--Alabama, Florida and Georgia--are considered the use of such tests in the certification of public school teachers. In Florida, for example, the Teacher Education Council recently endorsed a proposal which requires prospective teachers to pass a competency test prior to certification. Similar proposals are under consideration in Alabama and Georgia.

Testing and Federalism

Chris Pipho of the Education Commission of the States has referred to minimal competency testing as "the hottest issue in education since Sputnik." And the heat of this issue has reached Washington. Representative Ronald M. Mottl (Dem. - Ohio) has introduced legislation which would create national competency testing in the basic skills and has suggested that Title I funds could be tied to participation in the testing program. And Senator Claiborne Pell (Dem. - R.I.), the Chairman of the Senate Education Subcommittee, came out in support of "voluntary" standardized testing in reading, writing and mathematics. While it is very unlikely that any national competency testing is even near passage, endorsement by individuals like Mottl and Pell may serve to give added impetus to the drive on the state level.

Testing and Politics

Testing has always been part of education. But today's competency testing movement is more related to matters of school finance, accountability and general disenchantment with the educational institutions than it is to the traditional functions of testing. While professional

educators might endorse testing for purposes of diagnosis and remediation, state legislators are probably more guided by principles of financial control and accountability.

It should be borne in mind that other governmental institutions also are becoming the object of this public demand for greater accountability. Governmental services ranging from police and sanitation through health care and welfare are being scrutinized much more carefully by city councils and state legislatures throughout the country.

Education, perhaps partly because of the relatively sophisticated testing and evaluation procedures that have been developed, to a legislature may appear easier to deal with in the establishment of output measures. Of course, other factors such as declining enrollment and the magnitude of education budgets play an important role in this regard as well.

IV. COLLECTIVE BARGAINING: A PROBLEM WITHOUT APPARENT SOLUTION

Since the mid-1960's most states have passed legislation allowing public employees, including teachers, to bargin collectively with local school boards over matters of salary, wages and working conditions. Since the advent of collective bargaining, teachers' salaries have gone up appreciably, teachers have gained greater control over the schools, and the American Federation of Teachers has grown to a point where it sometimes challenges the political power of the National Education Association. But both state legislators and the general public continue to have doubts about the appropriateness of collective bargaining for public school teachers. Nevertheless, states continue to pass legislation sanctioning collective bargaining and continue their search for alternatives.

Collective Bargaining and Incremental Decisionmaking

Only six of the TAP states did not identify collective bargaining as one of the most important educational issues during 1977-78. But while collective bargaining was on the agenda in many states, relatively few of them passed any significant legislation. In Alabama, for example, a collective bargaining bill failed to pass the legislature. In Ohio, the legislature did pass a collective bargaining bill only to have it vetoed by the governor. In Illinois, a legislative committee is studying collective bargaining but has not yet produced a bill. In Pennsylvania, a gubernatorial commission studying that state's collective bargaining statute has asked for an extension of time to file its report. And Connecticut is considering some modifications in its collective bargaining statute.

As far as the states are concerned, policymaking in collective bargaining might be an example of what others have called "incremental decisionmaking"--that is, minor adjustments of already existing programs and procedures. While there might be considerable dissatisfaction with collective bargaining laws in almost every state, either technical or political limitations serve to prevent any major overhauling of existing procedures.

The only states in the sample that took any action directly affecting collective bargaining were Nevada and Kansas. The Nevada legislature passed experimental impasse resolution legislation for firemen which, if successful, could be extended to other public employees including teachers. And the Kansas legislature amended its old "meet and discuss" law to create a full-fledged collective bargaining statute.

Funding the Contract

This is not to say that other states took no actions impacting upon collective bargaining. Two developments are of special interest. In Minnesota, the faculty of the community colleges won a significant salary increase in an arbitration. But the state legislature failed to appropriate the funds needed for the salary increase. The college faculty has taken the matter to court but there has been no decision up to this time. Similarly, in Florida the faculty of the state university negotiated a large salary increase but the state legislature refused to appropriate the necessary funds.

State Limits on Local Spending

The second important matter affecting collective bargaining is the passage of a law by the Washington legislature putting a lid on teachers salaries throughout the state. While few states have gone this far, many of them, as part of general school finance reform, have put lids on local school taxes and spending. Since a large portion of school spending is for professional salaries, spending lids create a clear limit on the scope of local collective bargaining.

Increasing State Responsibility

While the conduct of actual teacher negotiations is usually a local matter, the state plays a crucial role in several ways. First, it sets the general ground rules under which bargaining takes place. In this regard, several states are undertaking modifications of their existing collective bargaining laws but no state has repealed a bargaining law and no state has invented a workable alternative procedure. And in view of the responses of the Associates, it is likely that the states will continue to "tinker" with existing arrangements for several years to come.

The second important role for the states in the area of collective bargaining flows from their increasing financial responsibility for public education. As the Florida, Minnesota and Washington experiences demonstrate, fundamental decisions about how much money local districts have to spend is becoming increasingly a state matter. In view of this, at least one state is considering the development of a single state-wide salary schedule for public school teachers. The California legislature has already held some preliminary hearings on this matter but it is unlikely that any action is forthcoming.

Collective bargaining is a continuing problem in most states. Even as bargaining has become institutionalized on

the local level, its reverberations are beginning to be felt on the state level. States have been unable to develop alternatives to collective bargaining and even if state-wide bargaining does not become a reality in the near future, state governments will become increasingly involved as the financial dimension of the bargaining process impacts upon the states.

V. ACADEMIC INDEPENDENCE AND POLITICAL ACCOUNTABILITY IN HIGHER EDUCATION

Traditionally, the state's interest in higher education has been more direct than it has been in elementary and secondary education. Most states have delegated most of the operational and much of the financial responsibility for the public schools to local communities. But public institutions of higher education are, by their very nature, state institutions, and the states bear considerable financial responsibility for their operation. At the same time, colleges and universities traditionally enjoy a strong tradition of independence from political control. It is this dichotomy that poses the current difficulty: how can a state maintain its political responsibility for higher education and, at the same time, honor the traditions of academic freedom and independence?

State Variations

The structural framework of higher education varies from state to state. In some states, there is, for all intents and purposes, a single state university. In those states the history of the development of higher education has been the development of the state university. Some states, on the other hand, have a tradition of private institutions of higher education. In some of these states, policy is directed towards the maintenance of the private sector; in others, toward the complete separation of the private and public sectors; and in others, the state has provided so much aid to the private sectors that the private/public distinction has become blurred.

Finally, the development of community colleges has complicated the picture. In most states, responsibility for funding community colleges is shared between local units of government and the state itself. Consequently, attempts to make these community colleges more a part of a "state system" are sometimes frustrated by local interests.

The Problem of Coordination

During 1977-78 "coordination" of higher education emerged as an overriding state concern. During the late 1960's and early 1970's, many states witnessed great expansion of public support for higher education. State colleges and universities developed branch campuses, state teachers colleges were turned into general purpose institutions, private institutions became "state-related", and community colleges were developed and expanded. By 1977, many states became concerned not only with the cost of this expansion, but with problems of program duplication, lack of

coordination, and the often bitter competition among the institutions.

State mechanisms for providing coordination among the various components of the system vary from state to state. Some states have boards of regents with broad responsibility for and authority over all segments of the system. Others have separate boards for different components. And others rely on coordinating commissions rather than general governing boards. But whatever the structure, almost every state is attempting to strengthen its governing and coordinating mechanisms.

Strengthening Financial Accountability

In some states, the legislature is attempting to strengthen its role in budget review. The perceived difficulty has been that some states lack a true higher education budget. Instead, different components of the system submit separate requests and neither the executive nor the legislature ever looks at the relationships among the various segments. The process has been complicated by different accounting systems and reporting mechanisms. As a result, states have moved in at least two directions. Some, like Connecticut, are taking steps to strengthen the Board of Higher Education and have that Board serve as the conduit through which all budget requests must flow. Second, other states, like Pennsylvania, have developed uniform reporting systems so that program costs can be compared. The states, to their credit, have moved very slowly and carefully in these areas. But the direction of state action is clear.

Other Issues

Particular problems of higher education arise in individual states. In Minnesota, there is concern about the maintenance of quality programs in sparsely populated areas. California is examining questions of admission standards and access in higher education. Texas and South Carolina are studying faculty teaching loads. Georgia and Nebraska have witnessed conflict between the legislature and the board of regents over control of the state colleges and universities. Pennsylvania has encountered severe funding problems.

Continued Growth, Fewer Resources

Throughout the country, college and university enrollment has grown substantially during the last fifteen years. In 1975, there were over 11 million students enrolled in two and four year institutions compared with less than 4 million in 1960. While enrollment in four year institutions more than doubled during that period (from 3.1 million to 7.3

million), enrollment in two year institutions grew by a factor of six (from .6 million to 3.9 million). Overall growth is expected to slow during the 1980's with a leveling off in four year institutions occurring somewhat earlier. While some states have reported a problem with declining enrollments, or at least a slow down in the rate of growth, most states are continuing to experience growth in higher education.

The cost of higher education has grown faster than student enrollment. Consequently, some states are beginning to reconsider funding formulas based on the number of full-time equivalancies and, instead, turn their attention to controlling enrollments and costs. Thus, even if enrollment continues to expand over the next several years, there is no reason to assume that state expenditures will increase at the same rate. State colleges and universities may be forced "to do more with less."

Independence & Accountability: A New Balance

As was suggested earlier, making policy for higher education involves the state in delicately balancing political responsibility on the one hand, and traditional academic independence on the other. To a great extent, the growth years of the 1960's provided enough slack so that a balance was struck in favor of academic independence. The 1970's characterized as they are by a slowdown in the rate of enrollment growth, inflation, and increased demands from other social services, may see the balance redrawn in favor of state control.

VI. EDUCATION OF THE HANDICAPPED: THE NEW FEDERALISM

When asked to identify the least popular federal education programs within their states both the Associates and their Seminar participants had no difficulty in selecting Public Law 94-142, The Education for All Handicapped Children Act, as the least popular.*

The Federal Initiatives

P.L. 94-142 provides the states with money for the education of the handicapped if the states develop plans that are in accord with the guidelines of the statute. Basically, the law provides that the state must: (1) take steps to identify handicapped students, (2) develop an "individualized education program" for each child, (3) provide each child with the opportunity for "due process" procedures, and (4) place the child in "the least restrictive educational environment." Federal funding of the cost of special education programs will reach 40 percent in 1982.

Working in conjunction with P.L. 94-142 is section 504 of the Rehabilitation Act of 1973. This law, and the regulations issued under it, require the states to provide appropriate educational opportunities to all children regardless of their handicap. It is a civil rights statute rather than an education act.

The State Reactions

The states' dissatisfaction with the federal initiatives in education of the handicapped flow from at least three sources.

First, P.L. 94-142 has sometimes been presented as the first governmental initiative in the field. From the states' perspective, their own considerable efforts in this area have been ignored. Most states during the late 1960's developed their own plans for the education of the handicapped. Many of these state laws emphasized the same goals as the federal law--mainstreaming, individualized programs, team approaches and the like. Clearly, the states would have preferred a statute that gave greater recognition to their own established programs in this area.

Second, the states are concerned with the eventual cost of complying with the federal laws. P.L. 94-142 is structured so that the federal government will eventually pay a substantial share of the costs of education of the handicapped

*There was less consensus in identifying the most popular federal program. Among those mentioned most frequently were Title I of ESEA, school lunch programs, and support for vocational education.

but the greater share will always remain with the states. Furthermore, while P.L. 94-142 has built in spending limits, Section 504 not only fails to provide any federal funds for compliance, but its eventual cost is unpredictable.

Third, P.L. 94-142 calls for procedures (IEP's, due process) that are new to a great many states and about which little is known. Consequently, it places great strain on local administrators. This is complicated by the fact that the law provides the greatest federal share of the cost late in the operation of the program rather than in the early years when start-up costs are highest.

But it should be noted that not all state educational officials are unhappy with the federal law. Like most laws, whether federal or state, it has a differential impact. In some states, State Department of Education officials were reported to be strong supporters of the law. State legislators concerned with cost, and local officials concerned with administration, appear to be the sharpest critics of the law.

A Temporary Federal/State Agreement

But whatever the difficulties, all but one state (New Mexico) have agreed to abide by the law and accept federal money. While the process of developing state plans has been laborious and filled with negotiation, most state plans have been approved and the law is operational.

In looking at state reaction to P.L. 94-142, Fred Weintraub, Assistant Director of the Council for Exceptional Children, has commented, "The law becomes an easy target because it represents all the things the states resent about the federal government. We've got a lot of political posturing going on." Weintraub is probably current in his observation. Many states would agree that P.L. 94-142 contains sound procedure; others would hold that their own procedures were preferable; few, if any, would contend that no federal role in this area is appropriate. But almost all state officials seem to feel that the law fails to give appropriate deference to the principles of federalism and does not afford enough flexibility to deal with numerous operational problems.

The long-term impact of P.L. 94-142 and Section 504 have yet to be assessed, both in terms of costs and impact on educational opportunities for the handicapped. The states, with considerable protestations, are beginning to operate under the law. It will take some time to learn how well the law works.

VII. DECLINING ENROLLMENTS: AN EMERGING ISSUE

The Case of Minnesota

One of the most interesting issues--reported only in Minnesota--is the impact of declining enrollments upon educational programs. Minnesota, especially in the northern section of the state, is largely rural. About half of its 430 school districts enroll less than 500 students. And it is in these smaller, rural districts that population decline has had the most impact. As a result, the legislature considered a bill that would have reduced the number of school districts to 90 mostly county-wide districts. The bill was defeated, partly because of the intervention of the school board's association, but its discussion gave rise to other legislative action. The legislature passed a bill mandating each local school district to submit plans to deal with the impact of declining enrollment on programs, personnel and staff. Observers feel that there may probably be considerble reorganization as a result of this planning effort. And it is quite possible that the Legislature will reconsider statewide reorganization during the 1980 legislative session.

The Pattern of Decline

While declining enrollment, especially in the elementary schools, is a fact in many states, it is interesting that only Minnesota reported it as a state issue. Nation-wide, elementary enrollments are expected to decline from 1969 high of 36.8 million to 31.7 million by 1985. Secondary school enrollment is expected to decline from a 1975 high of 15.7 million to 13.3 million by 1985. (Post secondary enrollments are expected to continue to increase from the 1975 high of 11.2 million to almost 13.5 million by 1985). The pattern of decline will vary from location to location. Some school districts, and even some states, may actually continue to experience growth over the next ten years. But the general pattern will be one of decline, especially in large cities and the most rural districts, although some suburban communities may be affected rather severely.

Decline as a Local Issue

Within limits, declining enrollment is perceived as a local management problem. This is not to say that it is an easy issue to deal with on the local level. School closings create strong community feelings and declining enrollments give rise to reductions in force and program curtailments. And most significantly, since most state aid formulas are based on enrollment, declines in enrollments result in less state aid. This last issue has already reached the agenda

in several states and they have adjusted their formulas to cushion the impact of severe enrollment declines.

Decline as a State Problem

But declining enrollment may have broader implications for state policy. If the Minnesota experience can serve as a guide, then states may be forced to confront issues of school district reorganization or mandated school district planning. To this point in time, the decline in enrollment has not brought about state action. But, if the predictions of continued decline are correct, the situation may outstrip the ability of local districts to deal with it.

VIII. EDUCATIONAL GOVERNANCE: THE ISSUE OF THE FUTURE?

The conventional wisdom tells us that "education is a state function, locally administered." In fact, education, in many states, has been a local function with little support or guidance from the state. While the state has always played a major role in certain functional areas--certification, special education, and teacher tenure, for example--much of the financial and operational responsibility has remained with local districts. More recently, the states have begun to play an expanded role and it may be that the educational issues of 1977 and 1978 will result in even greater state involvement.

The clear trend in school finance is for the states to provide a greater portion of the cost of public education. And in this role of financial provider, given the constitutional requirement of "fiscal neutrality" that some state courts have developed, states also find themselves imposing limits on what local school districts can themselves spend on education. And in those states where the courts have used "uniformity" or "thorough and efficient" state constitutional clauses to void the state's school finance system, then the state is called upon to make fundamental decisions not only with regard to financial support, but in terms of program content as well.

It was suggested earlier that the drive towards state-wide competency testing is related to the state's increasing financial support of the schools. But even if this were not the case, state-wide competency testing necessarily involves the state in matters that were formerly only of local concern. While some states now use competency testing for diagnostic and remedial purposes only, and some states give local districts considerable discretion on both test construction and use, the clear tendency, at least in the short run, is towards a single state-wide competency test as a requirement for high school graduation.

The state is also likely to play a greater role in collective bargaining. Many states continue to seek alternative methods to deal with impasse resolutions and state financial decisions often serve to constrain local decisionmaking.

Clearly, states are playing an expanded role in the governance of higher education. While states, for many years, have had a major responsibility in this area, the future may well see greater managerial control of state agencies.

Public Law 94-142 recognizes a major role for the states

in special education and the financial implications of this statute, along with Section 504 of the Rehabilitation Act, impose a major responsibility on the states.

Finally, even the "non-issue" of declining enrollments may have implications for the traditional role of the states. Enrollment decline, coupled with a loss of state revenue, may demand action by the state to maintain the adequacy of educational programs.

If this prediction of increasing state involvement in educational matters is correct, then it is timely to examine the state educational decisionmaking process.

At the outset, this Report indicated that the politics of education cannot be effectively separated from state politics generally. To understand how a state makes decisions affecting educational policy, one must grasp the totality of legislative, executive, judicial and political developments.

Consequently, before turning directly to the process of educational decisionmaking it will be necessary to digress and reexamine some of the fundamental characteristics of American politics. Therefore, the next three brief parts deal with American federalism, the role of the states in the federal system, and recent developments in state politics that affect the states' capacity to meet their responsibilities.

This "political context" is especially appropriate at this time. Clearly, public education, conceptualized for so long as something separate, unique and independent, is becoming much more a part of general government. The current mood of financial restraint, tax limitation, and accountability, affect <u>both</u> education and government services generally. <u>To the extent that we are able to forge solutions to the educational problems that now confront us, they will be more a result of general political leadership than of initiatives from a separate and independent educational community</u>.

IX. EDUCATION AND FEDERALISM

American federalism is based on a conception of shared authority--authority shared between nation and states to make fundamental policy choices about the goals and processes of political life.

Shared authority is not the same as "divided authority." Division implies that one can separate the functions of each unit of government from the other; that one, by some extraordinary calculus, can determine what properly belongs to the states and what belongs to the nation.

This is not to suggest that the power relationships among the various political actors in the American system is invariable, or does not take on a different configuration from time-to-time or from issue-to-issue. In some areas of public policy, national power is predominant. For example, while state actors play a role in defense policy--through the development of national guards and the administration of the selective service system--national actors are predominant in the setting of policy goals and the implementation of programs.

Conversely, elementary and secondary education is an example of a policy area in which state (or more usually local) actors traditionally have been predominant. While the national government has played a role in education since even before 1787--through grants-in-aid and other initiatives--constitutional restrictions and political traditions have guaranteed a predominant role for states and particularly for local school districts.

The nation and the states are constitutionally equal actors in the bargaining process that characterizes American politics. For this reason, a "centralized-decentralized" continuum model is hardly adequate to capture the genius of American politics. Such a centralized-decentralized model assumes that there is some centralized authority that can, as it suits its purposes, either draw power to itself or delegate it to the actors in the field. A more appropriate characterization of American politics is "non-centralized." A non-centralized system cannot be diagrammed as a pyramid or as a circle radiating authority to smaller satellite circles. Its reality is that of a matrix which emphasizes the basic equality of the actors.

It is important to grasp the notions of shared authority and non-centralism if one is to understand the crucial role of the states in the American system. The states, like the nation, are constitutional entities and, as such, are equals in determining the goals of politics and the appropriate processes by which those goals may be sought. To conceptualize the states as mere administrative units of a central government in Wash-

ington is both to misunderstand American federalism and to alter its fundamental structure--and certainly misperceives educational governance in our nation.

The Constitutional Order

The constitutional revolutions of the 1930's and 1960's tipped the balance of power in the American system and continue to have great effect on nation-state relationships. The constitutional changes of the 1930's served to expand, almost without limit, the power of the national government to act under the commerce and taxing clauses of Article I. The Warren Court during the 1960's, through its interpretations of the due process and equal protection clauses of the Fourteenth Amendment, not only placed constitutional limits on state action, but, at the same time, allowed for a greater federal role in protecting the Bill of Rights.

Federalism and Public Opinion

The period beginning around 1930 and continuing until about ten years ago also witnessed a change in public opinion that continues to have significance for nation-state relations. Beginning in the 1930's, it became assumed that the appropriate locus for progressive social and economic action was in Washington. The New Deal, the Fair Deal, the New Frontier and the Great Society were all symbols used to represent new national initiatives for the solution of social and economic ills.

The civil rights revolution of the 1950's and 60's also affected public attitudes about federalism. In the view of many, federalism became equated with States' Rights and was seen as little more than a Southern excuse to frustrate legitimate demands for racial justice.

Fiscal Federalism

Finally, "fiscal federalism" continues to affect the character of American federalism. While there have been grants-in-aid to states almost from the very beginning of the United States, the magnitude and nature of contemporary grant-in-aid programs is quite a different matter. Early grant programs, such as the Morrill Act of 1862 and the Hatch Act of 1887, just as often involved land grants as cash grants, carried few national guidelines and regulations, and were administered by the states themselves. During the early part of the Twentieth Century, grant programs instituted state matching requirements and began to require detailed reporting. But the impact of such programs, while perhaps of crucial importance in specific policy areas, did little to affect basic federal relationships. Even as late as 1932, the total intergovernmental expenditure was only $232

million--with $191 million of it for highways. The Depression and World War II saw a considerable expansion of grant-in-aid programs. By the end of World War II federal grants totaled almost one billion dollars and reached many areas of public policy.

While both the number and scope of federal grants continued to grow through the 1950's and early 1960's, the great expansion of such programs has been a post-1964 development. At the close of 1963, there were approximately 181 separate grant-in-aid programs in all areas of public policy. By the close of 1966, that total increased to 379 separate programs, with a total value of almost 13 billion dollars. Furthermore, the basic nature of the grants underwent a change. Starting with a limited number of administrative requirements, the federal grants of this later period were characterized by increased regulation, detailed reporting requirements, and the growth of federal grant administators and compliance officers.

This twenty year period of federal grants from the end of the Second World War through 1965 was especially important for education. Federal support for education increased substantially during this period, culminating with the passage of the Elementary and Secondary Education Act in 1965. It is interesting to note that by the time this major legislative victory was achieved, the federal grant program had become much more categorical and ESEA is reflective of this trend, despite education's clear preference for general aid.

Since 1968, there has been an increased emphasis on bloc grants and revenue sharing, although this has not been reflected in federal education programs. Total spending for intergovernmental aid, including education, doubled during the Nixon years and increased by almost 50 percent during the Ford period. By 1975, the total value of all federal grant-in-aid programs was almost $50 billion. Furthermore, this amount constituted over 23 percent of total state/local expenditures.

Given these developments--the erosion of constitutional restraints on national activity, shifting public opinion that looks to Washington for solutions to problems, and increasing state dependency on federal funds--what has happened to the original characterization of federalism as a system of shared authority between equal partners?

X. THE ROLE OF THE STATES

In American politics, power is not a zero-sum game--there are no absolute winners and losers. Just because the last 45 years have seen a tremendous expansion of national power, there is no reason to assume that the states are not vital, significant actors in the formulation and implementation of public policies. Indeed, a case can be made that state responsibility has increased more rapidly as a result of the general expansion of governmental activity than has that of any other unit of government.

First of all, despite the fact that some federal programs bypass the state in favor of local or regional units of government, many federal programs demand a major role for the states. States are usually involved in the formulation and approval of plans (including education plans), the monitoring of programs (including education programs), and the selection of personnel (including education personnel). Furthermore, and perhaps more importantly, states, because of their political power, can often negotiate with federal executive agencies to tailor federal programs to their own particular situations. Obviously, states do not have a free hand in these matters; actual policy emerges out of bargaining among federal, state and local actors.

Secondly, states, unlike cities, towns or counties, are given explicit recognition in the United States Constitution. The Tenth Amendment "reserves" powers to the states. It is up to an individual state to divide up that reserved power among local units of government as it deems appropriate. Thus, the "centralized-decentralized" continuum model referred to earlier is a useful model for examining state political arrangements. States can establish (and disestablish) local school districts, counties, cities and towns, and special districts. States can delegate authority to these local units of government and they can withdraw such delegation. In a very real sense, local units of government are agents of the state.

Obviously, there are constraints on the power of the states in these matters. A state cannot violate the United States Constitution in the making of these decisions. Nor can a state neglect political realities and traditions. Counties, cities, towns, and local school districts are supported by the force of political tradition and, as a matter of fact, often serve as a basis for political party organization. And states must sometimes contend with special federal regions created for the administration of specific programs.

A Variety of State Roles

The exact role that a state plays in the making of public policy varies from state-to-state and from policy-area-to-policy-area. Some states have strong localist traditions and the state role is limited to setting the rules of the game by which different

interests compete. Other states have more activist traditions and it is expected that the state will be a primary initiator of public policy. Furthermore, the degree of state involvement will vary from one policy area to another. For example, states usually play a major role in such areas a public utility regulation and corrections, but a more limited role in fire protection and waste disposal.

Increasing State Responsibilities

But a clear trend in almost every area of the country and in most policy areas in towards increasing state involvement. For example, if one looks at governmental spending in all domestic areas (excluding defense and foreign policy), the states' share has increased from 10 percent of the total in 1902 to 25 percent in 1972. During this same period, the federal share has increased from 17 percent to 32 percent while the local share has decreased from 73 percent to 43 percent. Even in such traditionally local areas as elementary and secondary education and law enforcement, the state is playing an expanded role. In the latter area, the Law Enforcement and Criminal Justice Assistance Act of 1968 calls for a significant state role in the development of programs. In the former area, recent fiscal and judicial developments are bringing about a greater state role.

XI. THE SHAPE OF THE STATES

Critics of American federalism doubt the capacity of the states to respond to contemporary challenges and instead point to the national government as the appropriate source of political leadership. The states, these critics argue, are structurally weak and have a history of unresponsiveness to the needs of the poor in almost all areas of public policy, including education. Whatever the merits of these charges in the past, it is apparent that the states today have an improved capacity to respond to contemporary needs. While the precise situation naturally varies from state to state, recent developments in legislative and executive reform demonstrate an increased vitality by state political institutions.

Legislative Reform

Prior to the 1960's, state legislatures tended to over-represent some interests and neglect others. State senates constructed to represent geographic areas rather than populations and poorly apportioned state legislative districts guaranteed representation to rural populations while usually under-representing urban constituencies. But since 1962, the states have undergone a true reapportionment revolution. According to Samuel C. Patterson, a well-known American political scientist, reapportionment has has several important consequences.

First, "The number of state representatives and senators from urban and suburban areas has increased, and the number from rural areas has declined." Patterson, for example, cites the case of Georgia, where the number of members from the most urban areas in the house increased by a factor of ten, and in the senate by a factor of twenty.

Second, in those states where urban representation has sharply increased, it has produced "a higher proportion of younger, better-educated legislators, and a marked increase in the representation of ethnic minorities, notably blacks."

Third, reapportionment has "tended to stimulate party competition for legislative seats and a greater degree of party voting within the legislatures." In this regard, Patterson points to California where reapportionment brought about a substantial rural to urban shift and a significant increase in party voting within the senate.

And fourth, "reapportionments probably have contributed to the greater responsiveness of state legislators in regard to the substantive policies they authorize or enact."

Even if one were to quarrel with the specifics in Patterson's list for a particular state, it is clear that the image of a state legislature dominated by rural interests and insensitive

to the demands of modern society, simply does not fit the contemporary reality. Today, legislatures, as the principal policymaking institutions of state governments, fairly well represent the states that they serve.

There is a second bit of conventional wisdom about state legislatures that no longer fits the contemporary reality. Legislatures, besides accusations of rural-domination, are sometimes seen as part-time, antiquated structures that cannot keep pace with modern government. But reality has outstripped this popular conception.

For example, at least forty-two of the fifty states now have arrangements which make annual sesssions possible (compared with only twenty states in 1961). At the same time, legislative structure and procedure have been streamlined. In 1946, the average state legislature had between thirty and fifty standing committees. By 1973, the average number of standing committees had been reduced to between ten and twenty. This smaller number of committees allows for, among other things, better use of legislative staff. This growth of professional legislative staff has been one of the most remarkable legislative developments over the past twenty-five years. In California, for example, the number of legislative employees grew from about 50 in 1950 to over 700 in 1974. In New York State, the number of legislative employees grew from about 850 in 1966 to over 1,400 in 1972. While other states have not shown the same dramatic increases as California and New York, significant staff growth can be charted in at least 40 of the 50 states.

With the development of long annual sessions, individual legislators find themselves spending more time on legislative business. For better or for worse, the old ideal of the "citizen-legislator" is being replaced by that of the "professional legislator." Legislative compensation policies have kept pace with this development. According to a 1977 Council of State Governments study, 9 states provided a biennial legislative compensation of over $30,000 and an additional 15 states provided between $20,000 and $30,000.

It is difficult to gauge the impact of these developments on the policy outputs of the legislature. After all, by what standard does one judge "good" law from "bad?" Public opinion on the effectiveness of state legislative institutions is hardly encouraging. For example, a 1969 study by the Citizens Conference on State Legislatures ranked the legislatures of California and New York highest in terms of general legislative effectiveness. Yet according to a 1968 study, only 33 percent of the citizens of California agreed that their legislature was doing an "excellent" or "pretty good" job. Only 29 percent of the citizens of New York were willing to rank the work of their legislature in these categories. Conversely, the Alabama legislature was ranked dead

last in the Citizens Conference study yet 52 percent of Alabama citizens ranked their legislature as excellent or pretty good. Comparisons of this sort may prove nothing more than citizens of different states have different levels of expectation for government performance and the legislatures of California and New York may yet be "better" than the legislature of Alabama.

It is clear, however, that state legislative institutions have undergone significant change over the past twenty years. Most states have adopted reforms dealing with representation, procedure, structure and staffing. Contemporary state legislative institutions are "modern" by almost any standard.

Executive Modernization

Similarly, the gubernatorial office has been modernized in recent years. Historically, state constitutions reflected a popular distrust of executive power and circumscribed gubernatorial power in many ways. For example, governors were usually elected for short terms, not allowed to succeed themselves in office, had very limited appointive powers, had only a restricted veto power (if at all) and generally exercised only minimal control over other executive officers and agencies. While the pattern varies greatly from state to state, many states have altered their constitutional arrangements to strengthen the governor's role.

For example, in 1960, only 34 states gave the governor a four year term; by 1975, that total increased to 46 states. Even more importantly, in 1960, 17 states prohibited the governor from serving more than one term. By 1975, only 8 states retained that prohibition.

Gubernatorial appointive power varies from "substantial" in states like Tennessee, New Jersey and Indiana to "very limited" in Mississippi, South Carolina, and Arizona. Most states continue to elect many state-wide officials making them almost immune from gubernatorial influence. And many states continue to require legislative approval of most gubernatorial appointees. Several states have recently taken measures to increase gubernatorial control over administrative agencies. During 1977, for example a number of states underwent executive reorganizations. One major result of these reorganizations has been a strengthening of the governor's control over "human services." While education usually remains outside of direct gubernatorial control, there are some signs that it may become more integrated into more general human services administrative processes.

Similarly, the governor's legislative power varies from state to state. In states like Alabama, California and Illinois, the governor's veto power is considerable, and includes an item veto. But in states like Rhode Island and Tennessee, the veto power is limited in a variety of ways. The general trend, however, continues to be toward a more substantial veto power.

The area of greatest growth of gubernatorial power has been in increased fiscal authority. In well over half the states the governor has full responsibility for budget preparation. In the remaining 19 states, that responsibility is shared with either an elected or appointed state official. But control over budget preparation may not be as substantial a power as it first appears. Often over 50 percent of state revenues come from special "earmarked" funds and much of the remaining 50 percent is, in reality, already committed to existing state programs such as education and welfare. Thus, unless a governor finds himself with a substantial revenue surplus or is willing to press for a tax increase, his ability to launch new programs is quite limited. Nevertheless, it is becoming increasingly apparent that it is through the perspective of the state budget that a governor views most policy areas. Clearly, if a new program is to be launched, or an existing program substantially expanded, it must first clear the hurdle of the governor's budget process.

The Decline of Political Parties

While the formal institutions of government--the legislature and the executive--have become strengthened in recent years, certain political developments may be working in the other direction. Political parties, historically, have served as informal mechanisms that have aggregated diffuse state interests to create a majority that was capable of governing. While American state parties have never been disciplined armies, they were usually cohesive enough to bridge the separation of powers and create legislative majorities. Recent developments may indicate a change in the ability of parties to perform this important function.

First, Americans are deserting the two-party system. While the percentage of Americans willing to call themselves Democrats has remained fairly stable, the percentage of those identifying as Republicans has diminished to the point that there are now as many Independents as there are Republicans. At the same time, state-wide elections are becoming more competitive, and recent years have seen Republican governors in traditionally Democratic Southern states and Democratic governors in traditionally Republican New England and Midwestern states. This would seem to imply that many voters are casting ballots on grounds other than traditional party loyalties.

To the extent that candidates are not dependent upon the party label for electoral success, then, of course, they see less need to support the party leadership in legislative voting or in support of gubernatorial programs. The actual pattern, as might be expected, varies from state to state. California, with an historically weak party system, has actually seen an increase in party voting in the state senate. Pennsylvania, traditionally

a strong party state, has seen a slight decline in legislative partisanship. And in New Jersey, a competitive and strong party state, the Democratic majority encountered enormous difficulty in attempting to muster a legislative majority in support of the Governor's tax program.

Secondly, the mood of political reform which is manifested in many states, has weakened party leadership. In Pennsylvania for example, both the Speaker of the House of Representatives and the Chairman of the Senate Appropriations Committee Majority Leader--both Philadelphians--were convicted in a federal court on a number of charges of unlawful conduct. In less dramatic examples, campaign finance reform laws and public disclosure laws have inhibited certain actions by political leaders which, a few years earlier, would have been accepted as routine.

To some observers, the decline of party leadership has created a highly individualistic political style among state legislators. Legislators have become more attuned to constituency interests and specific interest groups. Consequently, the creation of legislative majorities in support of compromise bills has become more difficult.

The Task of Leadership

It is ironic that as the institutions of state government have become increasingly vital, the traditional vehicle for governance--the political party--has become increasingly debilitated. Relating these apparently contradictory developments to policy outputs is a difficult, if not impossible task. But clearly, the framework for the making of state policy has changed considerably over the past ten years. State legislative and executive institutions have been strengthened; using those institutions to make rational and effective public policy is the continuing task of political leadership.

With the backdrop of the first section of this report on educational issues and the context of state politics set in these past three sections, it is now appropriate to turn to examine how the two interact to produce an educational policymaking process.

XII. THE EDUCATIONAL POLICYMAKING PROCESS

Traditional political science notions of governmental policy-making are of limited value in attempting to understand the forging of state educational policy in 1977. Traditionally (and perhaps influenced by a Presidential/Congressional model), political scientists have conceptualized the executive as the "engine" of the governmental system initiating change and giving direction to a disorganized and recalcitrant legislature. Educational politics in 1977 have seen a resurgence of the legislature and if not a decline of the executive, then at least a change in role.

The Resurgent Legislatures

In the major educational problems to confront the state during 1977 and 1978--school finance and minimal competency testing--the legislature, not the executive, has been the primary policy-maker.

Normally, budget-making processes are dominated by the executive. But school finance reform goes beyond traditional budget-making. It involves not only issues of taxation, overall spending, and spending for education compared with other areas of public policy, but the distribution of educational monies among both program areas and geographic areas as well. In some states, such as New Jersey, the Governor has taken the lead on tax matters. There, Governor Byrne staked his political future on a state income tax and, after a political stalemate that forced the schools to close, the legislature finally enacted his income tax proposal. In other states, such as Connecticut, Pennsylvania, and Washington, the governors have refused to recommend new taxes and the legislatures have struggled with funding education without additional revenues. In yet other states, such as California and Texas, surplus revenues precluded the need for new taxation. In these states, the governors attempted to set the spending limit for education but the legislatures of both states exceed their budget recommendations. Furthermore, in each state, the distribution of the educational monies among different educational programs and the formula for distributing general state educational aid among the districts were both legislatively determined.

In general then, governors played an important role in matters of taxation, overall spending and the total amount of money devoted to education. But once these basic determinations were made, the legislatures had a relatively free hand in the distribution of the revenues. In no instance did the governor present the legislature with a school finance reform plan, including a formula for the distribution of aid.

This is not to say that state legislatures wrote school finance plans on the floors of their respective chambers. In most states, special commissions, usually made up of state legislators and

and State Department of Education officials, worked out the framework for the funding formula before it was considered by the legislature as a whole. Naturally, all legislative chambers exercised their prerogatives and adjusted to the formulas as they felt appropriate.

To some observers, educational finance reform is a "no win" issue for governors. Generally, school finance reform requires additional state money, because of the political necessity for leveling-up rather than down. In 1977 few governors were willing to recommend tax increases. Second, formulas are bound to advantage some districts and disadvantage others. A governor, with a state-wide constituency, is less willing to alienate segments of the electorate than is the legislature. A legislative majority can be created by advantaging a majority of the school districts.

In the area of minimal competency testing, the governors have demonstrated little interest or initiative. (In fact, during 1977 few governors exhibited much interest or initative in any substantive educational matter). Competency testing, especially with growing emphasis on competency-based graduation, has been almost wholly a legislative initiative. While some state departments of education have cooperated with legislators in this regard, the purpose of professionals has been more directed towards diagnostic testing. In a few instances, such as Florida and Georgia, previous governors have supported competency testing. But generally, state legislators, as the "voice of the people," have been the force behind competency testing.

The Reasons Behind Legislative Resurgence

There are several important developments that would seem to explain the new energy of state legislatures and the apparent changing role of the state governors. First, as was noted earlier, state legislatures are more representative than they once were, and they are better staffed. As a result, groups have learned that they can turn to the state legislature for action. And they confront a willing state legislature. Now better staffed, legislatures are more capable of acting; indeed, they may even be more disposed to acting. Now often in session year 'round and having access to sources of information, legislatures, as institutions, may feel compelled to exercise their new capacity.

Secondly, legislatures may be developing more effective relationships with state education agency officials. For example, staff interchange is more likely now that legislative education committees are staffed. In Pennsylvania, for example, the former chief staff member of the Senate Education Committee is now an Assistant to the Secretary of Education. Other states have had

similar exchanges. But more importantly, whatever tensions traditionally exist between the legislature and the executive, they do not seem to inhibit the staffs of the two branches of government from working with each other.

In this same vein, interchanges between legislatures and executives are sometimes institutionalized. The Illinois School Problems Commission, for example, contains legislative, executive and public members. Similarly, the Connecticut State Board of Education selected the Chairman of the Legislature's Joint Education Committee to chair its special study commission on school finance.

A New Role for the Governors

While legislatures have increased their interest and capacity in public education, state governors have tended to view education differently. Traditionally, there have been many "education governors"--Nelson Rockefeller in New York, Edmund Brown in California, Daniel Evans in Washington, William Milliken in Michigan, and Jimmy Carter in Georgia, to name just a few. But 1977 saw few governors exercising that type of educational leadership. There are several reasons for this development.

First, many states have already undergone basic educational reform and it is simply too soon to undertake a second round of major change. Georgia, which passed its "Adequate Program for Education in Georgia" Act in 1975, is an example of this situation. The act was a comprehensive eduction reform bill and sets the agenda for educational change in Georgia for the next decade. The Georgia Legislature will have a vital role to play in funding and filling out the programs of the Act, but there is little room for major gubernatorial initiatives at this time.

Second, and closely related to this first point, it should be recalled that these "education governors" of the 1960's established their reputations by serving as political sponsors of educational growth. Thus, the meaning of "educational leadership" is different in the 1970's than it was in the 1960's. The contemporary emphasis is clearly on effective use of existing resources for the expansion and development of existing and new programs. Thus, the governor's role in education has become much more than of "manager" than that of "promoter."

This new gubernatorial role may be tested by the dual developments of enrollment decline in education and a growth in the demand for other human services. Recent years have witnessed increased demands for publicly financed health care, better social services for the elderly, and a greater state role in the protection of the environment. Within this context of greater demands from every variety of interest, education is becoming "just another

social service" and is forced to compete for resources with other deserving programs. As evidence of this increased competition, it is worth noting that education's share of the total social science budget has probably declined, relative to those of other services. This is not a result of education receiving less state dollars; rather it results from rapidly expanding state expenditures in other areas.

There is some evidence that today's governors are beginning to see education within this context. As was indicated earlier, several states either underwent executive reorganization during 1977 or were about to undertake it. Kansas, for example, formed a Department of Human Resources, and Minnesota saw a strengthening of the governor's role in this area. Other states, such as Florida, have upcoming referenda on reorganizations that would expand gubernatorial control.

With few exceptions, education remains officially outside of the governor's direct control. (One exception to this continuing policy--and, of course, there are many others--is Connecticut, which restructured its State Board of Education so that it will be possible for a new governor to appoint a majority of the members shortly after taking office). It may be that this continuing lack of direct control over educational programs has prevented many governors from becoming substantially involved in educational matters.

But increasing demands on state resources may force the governors into a more active educational role. How the recently expanded gubernatorial budget and planning staffs will relate to state departments of education remains to be seen. But clearly, in at least some states, the functioning of these agencies will impact very directly upon education. In Minnesota, for example, the Office of Human Services Planning worked closely with the State Department of Education in generating data on enrollment trends throughout the state. While few states have as fully developed a planning capacity as Minnesota, similar trends are underway in a number of states.

It should be pointed out that there have been analagous developments on the local level. In a number of large cities there are proposals to make education more responsible to the mayor, recognizing that education is a governmental service. Pennsylvania, for example, is considering legislation which would give the Mayor of Philadelphia much greater control over the School District of Philadelphia, perhaps even making education a department within the Mayor's cabinet.

Thus, the gubernatorial role in education is becoming much more of a managerial one, but one that "manages" education as one of a number of social services for which he has responsibility. The gubernatorial tools of management have improved in recent years. Governors have budget and planning staffs, and

in some states they are exercising greater control over state departments of education and over state boards of education. Thus far, few governors have paid very much attention to the substance of education. They have contented themselves with accommodating educational demands from other programs for which they are responsible.

The Third Branch of Government

While legislatures and executives are the primary policymakers in state politics, one must continue to pay attention to the crucial role of the judiciary. Federal district courts have maintained much of the activist character of the Warren Supreme Court and have become embroiled in numerous conflicts over state issues. Federal courts have made important rulings affecting state prison facilities, mental institutions, local zoning practices, and state personnel policies as well as education. While many federal court decisions are based on interpretations of the United States Constitution, many others are based on federal statutes. With the growing number of federal programs in education, it is not surprising that federal courts have been involved in interpreting those statutes. In attempting to comprehend the operation of Title I of ESEA, for example, one cannot overlook the important role that the federal courts have played in redirecting local compensatory education efforts (in Philadelphia, for example, as well as in other cities). One can anticipate a similar role for the courts as P.L. 94-142 is implemented.

It should be noted that state courts also have made significant decisions affecting education. The school finance decisions in Connecticut, California, Ohio and Washington were all made by state courts based on interpretations of state constitutions. And, given the United States Supreme Court's decision in the Rodriquez case, it is clear that future legal history in this area will be made by state courts.

Chief State School Officers and State Boards of Education

Few of the Associates identified chief state school officers or state boards of education as important actors in the process of educational politics in their states. State boards are seen as part-time entities which lack both interest and expertise in educational affairs. The omission of chief state school officers from the roster of important political actors is more difficult to explain. While this omission may simply be a result of the methodology used in the preparation of this report, the traditionally non-political image of chief state school officers may prevent their open participation in the rough-and-tumble of legislative politics that characterizes contemporary educational affairs.

It should be noted, of course, that just because the Associates did not identify chief state school officers and state boards of education as important political actors, one cannot assume that they do not play an important role. More study is needed to identify and comprehend the role that they do play.

Informal Influences on Educational Policy

Decisionmaking in any area of public policy not only involves the formal governmental institutions, but a variety of informal actors as well. In the area of education, the state teacher associations were consistently identified as the most significant actors in almost every state. Generally the state affiliate of the National Education Association was rated as much more significant than the AFL-CIO affiliated teacher federation. While the federation is often seen as an important force on the local level--especially in the large urban areas--it is not reported to be as politically important on the state level.

State school board associations were also identified as important groups, especially in the defense of local interests against state encroachment. School administrators were not identified as important state-level political actors. Of course, this may reflect the limits of this study as much as political reality.

Non-Educational Groups

The involvement of non-educational groups in the making of educational policy was limited. But this may be somewhat of a misconception since these groups, while perhaps not directly involved in the making of educational policy, surely influence many decisions that have important educational dimensions. For example, the NAACP in Florida has been instrumental in challenging that state's competency testing program. And in California, taxpayers' groups were in the lead in championing the Jarvis-Gann property tax limitation initiative.

Political Parties and Education

In the normal sense, education is rarely a partisan issue. But in a broader sense, traditional party divisions on issues often have important implications for education. To the extent that the parties still take different stances on such matters as taxation and spending for social services, education is affected. But traditional partisanship, as was noted earlier, is breaking down and the old "liberal-conservative" distinction does not have the same meaning as it once did.

Other Developments

There were, during 1977-78, two interesting political developments that are worthy of note. In Michigan, the old coalition between education and labor was disrupted by a struggle over unemployment

compensation for school employees. The issue may have been unique to Michigan, but it will bear watching in future years. As competition for state resources for social services increases, there may well develop greater division among the forces that have traditionally supported greater educational spending.

A more significant development for educational policymaking may be the changing nature of relationships within the education lobby itself. Historically, education spoke with a single voice on the state level, usually that of an administrator-dominated state education association. But since the advent of collective bargaining and increased state involvement in higher education, a host of new actors has appeared. In most states, the cast includes the state education association (no longer administrator-dominated), the state federation of teachers (affiliated with the AFL-CIO), the state school administrators association, the state school boards association, and a variety of groups representing the several segments of post-secondary education.

In most states, the education association is now seen as a labor union, almost identical to its rival state federation. Consequently, while it is still an admittedly powerful group, it can no longer speak for education as an institution with the same legitimacy. But both school administrators and school boards associations are usually too divided internally to be effective state-wide spokesmen. As a result, legislators sometimes complain that they do not know what education wants and needs since they are bombarded with different, and sometimes contradictory, demands from different segments of the educational community.

Attempts at Coalition

In some states, there have been attempts to bring the various education groups together, resolve differences, and present a united front to the legislature. In Georgia, for example, the major interests have formed "Georgians United for Education," an association of all the major education groups in the state. While it is difficult to judge the impact of this united effort, observers in Georgia rate it as quite effective. Similarly, in Texas, the major administrators' groups--school superintendents, elementary and secondary principals associations, school business officials, etc.--have formed a consortium and attempted to arrive at a consensus on educational issues. Additionally, working within this organizational framework, the chief educational administrative officials from the state's most urban districts meet regularly and try to arrive at common positions. But such cooperation is not typical in all states. In Ohio, for example, cooperation among the administrative officials in the largest districts has been difficult to achieve despite thier common fiscal problem.

Similarly, relationships among the higher education groups vary from state to state. Generally, the Associates characterized them as "poor, but improving." In the past, relationships among institutions were typically that of "live and let live." More recently, they have been characterized by increasing conflict and competition. Future relationships may be more cooperative.

Two Observations

The last section of this Report (Part XIII) will offer some conclusions. Nevertheless, one or two comments at this point are appropriate.

First, educational politics is much more open than it once was. As education has become more specialized, interests have developed around those special interests. Thus, no one can speak for education as a whole and the educational decisionmaking process has become more fragmented.

Second, educational decisionmaking has become more political. With increasing costs, collective bargaining, and fragmentation, education is losing its special identity as a separate and unique function. Consequently, it is becoming subjected to the same kinds of political pressures and controls that affect all aspects of public policy.

The next, and last section of this report allows the author to offer his own conjectures on the implications of these developments.

XIII. SOME CONCLUSIONS AND SOME SPECULATIONS

This report has attempted to identify and analyze the major educational issues faced by the states during 1977-78 and to explore how the states have been attempting to deal with them.

As was indicated at the outset, the basic data for the report was gathered from questionnaires and interviews with the TAP Associates and their Seminar participants in the twenty-three states that comprised the network in early 1977. While this is surely a limiting factor, it is perhaps counterbalanced by the strategic positions that the Associates and Seminar participants hold in their respective states. In any event, one may test the validity of the Associates' and Seminar participants' perceptions (not to mention the validity of the author's own analysis and interpretation) by the reality of educational issues and politics in his own state.

It is especially dangerous to draw conclusions from an impressionistic and limited study as the one conducted here. Yet, with a minimum of imagination, it is possible to forecast some possible future developments. The following represent the author's own speculations; the reader, of course, is free to draw his own inferences.

First, with regard to the educational issues:

- --most states will adopt competency-based graduation requirements;
- --competency-based graduation requirements will encounter numerous legal difficulties;
- --the state's share of the cost of education will continue to increase, partly as a result of continued litigation in the state courts and partly as a result of a growing inability of local property tax revenues to support educational costs, including perhaps the impact of Jarvis-Gann type property tax limitations;
- --future school finance litigation will stress the concept of educational need rather than mere fiscal neutrality;
- --with the decline of state budget surpluses, increased state taxes will be necessary to bear the cost of school reform;
- --the "trade-off" for increased state taxation will be state-imposed limitations on local taxation;
- --collective bargaining will continue as an issue, but one without resolution. At the same time, the range of local options will narrow because of increased state involvement in educational decisions;
- --the states may be unable to cope with the costs of education for the handicapped, leading, perhaps, to either a relaxation of federal standards or an increase in federal funding;

--numerous law suits will be filed challenging the adequacy of educational programs for the handicapped;
--the state's "managerial" role in postsecondary education will increase;
--issues and problems emerging out of declining enrollments may outstrip the local districts' ability to cope with them, thus bringing about state action.

And with regard to governance and policymaking:

--continued decline of party discipline, making policymaking more difficult;
--continued public support for the "idea" of education, but with considerable skepticism about existing institutions and personnel;
--overall, the state's role in educational governance will expand, thus increasing state/local tensions over educational matters;
--education will be seen more as a social service, thus bringing new actors into the making of educational policy;
--the gubernatorial role in education will emerge as a managerial one as education becomes merged with other human services;
--efforts to unite the traditional educational community will meet with only limited success because of the diversity in the system and increasing competition for scarce resources.

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APPENDIX A

A Description of
The Associates Program (TAP)

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A Description of The Associates Program (TAP)

TAP, begun in 1972, is one of several programs of the Institute for Educational Leadership (IEL). Like all IEL programs, TAP is committed to improving the education policy process by providing learning experiences to those who influence or make the decisions at public policy levels of American education.

TAP focuses its efforts on the state level by bringing together, in informal seminar settings, a state's political leaders, educators, executive policymakers, and other key actors to explore and debate important policy issues.

The TAP Network

TAP currently operates 31 state educational seminars across the nation. Each state seminar is directed by an Associate who conducts five to eight activities annually. The Associates, working as part-time consultants to IEL, are the key persons in the network. Each has to be someone who has access to key policymakers in the state capital, can convene those policymakers, and can establish an informal and neutral setting where policymakers of differing political and educational persuasions can openly explore and debate educational issues of significance to their state.

The current group of Associates is professionally diverse, including in its number state legislators, legislative staff members, state executive agency officials, state board of education members, university administrators and professors, local school officials, and persons who fill other education- and government-related roles in both the public and private sectors.

Policy Issues

In most state seminar programs a steering committee helps the Associate identify the topics for the seminar sessions. The committee usually includes the chairpersons of the senate and house education committees, important minority leaders, the governor's education aide, the chief state school officer, the state higher education executive office, and so on. In other states, the Associates will set the seminar agenda through informal consultation with participants.

Topis of discussion and debate vary from broad policy issues like accountability and educational governance to immediate state and local concerns such as the desirability of a statewide minimal competency testing program.

TAP recently expanded its focus to the urban setting with the addition of a seminar program in Chicago. This experimental program differs from other TAP programs in two ways: 1) it attempts to forge a link between the state capital and a major urban area by bringing together state and local political leaders and educators, and 2) it focuses on the unique and complex problems of providing quality education in an urban area.

In addition to policy issues of state and local concern, the seminars also serve as forums for airing policy issues of federal and state concern. More and more, the TAP seminars are beginning to serve a federal-state linking or communications function not previously available to educational policymakers. For example, the existing seminar is proving to be an excellent mechanism for placing before state-level decisionmakers for discussion and debate the policy issues central to the implementation of P.L. 94-142, The Education for All Handicapped Children Act.

An additional feature of the seminars is the relative ease with which the practical knowledge and experience gained in one state can be made available to decisionmakers in another state. Through the seminar mechanism, political leaders and educators who have wrestled successfully with policy issues in their home states are called on to share that knowledge and experience with their counterparts in other states. These ties provide policymakers with a wealth of ideas, perspectives, and insights.

Policy Monitoring

The TAP network is reinforced by semi-annual conferences held alternately in Washington, D.C. and a state capital, where Associates come together to discuss current policy issues in education and share information and experiences about their seminar activities. In addition, through regular mailings, TAP and IEL provide Associates with updates on current and emerging policy issues.

The Associates, themselves, represent a vital source of information on priorities and processes in educational policy formulation among the several states. Through their annual reports, the Associates provide first-hand insights into the issues and events affecting the education policy process in the several states. TAP and IEL are working to further enhance this nationwide policy monitoring capability, exploring additional ways to develop this unique source of information on state-level educational policymaking.

Consortium-building

TAP, as a state-oriented program, has developed close working relationships with other national organizations with like concerns. In 1976, IEL and TAP established a formal link with several of these national organizations with the creation of the "Consortium on the Education for All Handicapped Chilren Act, P.L. 94-142." Along with IEL, the Consortium members included the Education Commission of the States, National Conference of State Legislatures, National Association of State Boards of Education, and the National Governors Association. Although the work of the Consortium has been completed, TAP enjoys continued cooperation with these and other national organizations including the Council of Chief State School Officers. TAP continues to build these relationships--exploring additional possibilities for formal consortia as well as actively participating in a number of projects and studies undertaken by these state-oriented organizations.

Ford Foundation

TAP is supported by IEL through a grant from The Ford Foundation. Limited support is provided through other foundations and federal grants and contracts. Expansion of the program beyond the present number of states is largely dependent on TAP and IEL's ability to acquire additional sources of support.

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Florida

WILLIAM MALOY, Chief
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Georgia

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Georgia Educational Improvement Council

Illinois

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Maryland

Hon. Frank B. PESCI, SR.
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APPENDIX B

A METHODOLOGICAL NOTE

With the assistance of the Coordinator of the Associates Program and other IEL staff, a questionnaire was drawn up and pilot tested at the annual meeting of Associates in the Fall of 1977. The revised questionnaire, along with a special questionnaire for Seminar participants, was mailed to the Associates and Seminar participants in all twenty-three states that made up the TAP network at that point in time. After these questionnaires were returned, lengthy telephone interviews were held with each Associate in an attempt to gain better insight into the subtleties of the issues and politics in each state. While the Associates and the Seminar participants served as the major data source for this report, other published sources were consulted as well - primarily for statistical data.

Because the Report was prepared in this manner, it has both strengths and limitations. It is not intended to be comprehensive, scientific, or definitive; rather, it is an impressionistic and kaleidoscopic view of the world of educational politics. Basically, it draws on information from twenty-three states. It has not scientifically sampled the populations of the twenty-three states, but instead relied on the reporting of information and perceptions from knowledgeable key individuals from those states.

The twenty-three Associates and their states were:

Wilmer S. Cody, Alabama
Stephen Weiner, California
Paula Herzmark, Colorado
Ivan A. Backer, Connecticut
William Maloy, Florida
Edmund C. Martin, Georgia
Robert Bunnell, Illinois
Joseph C. Harder, Kansas
Richard H. Pierce, Maine
Michael J. Daly, Massachusetts
Richard T. Cole, Michigan
Dean Honetschlager, Minnesota
Milton Baxter, Mississippi
Dale K. Hayes, Nebraska
Joseph Crowley, Nevada
Albert Burnstein, New Jersey
Rachel Tompkins, Ohio
Wallace McCrae, Oregon
Ellis Katz, Pennsylvania
Elmer Cornwell, Rhode Island
Joy Sovde, South Carolina
Michael Lehr, Texas
Ian MacGowan, Washington

Particular thanks should go to a long-time friend and adviser to IEL/TAP, Michael Usdan, and to five Associates: Richard Cole, Elmer Cornwell, Joseph Crowley, Joseph Harder, and Stephen Weiner. These six persons helped in conceptualizing the organization of this report and in developing the questionnaires that were used. Their help throughout this entire undertaking was invaluable.

APPENDIX C

SUGGESTIONS FOR FURTHER READING

To list all of the available literature on educational issues and the process of educational decisionmaking would require a volume considerably longer than this entire report. Furthermore, it would probably be of limited use to the general reader.

Therefore, I am instead listing only the sources that were of significant use to me in the preparation of this Report or, for one reason or another, would be of special interest to the general reader.

With regard to educational finance, I especially recommend SCHOOL FINANCE REFORM: A LEGISLATOR'S HANDBOOK, (1976), edited by John C. Callahan and William H. Wilken, and UPDATE ON SCHOOL FINANCE CASES, (1978), prepared by David C. Long, Richard S. Kohn and Joel D. Sherman of the School Finance Project of the Lawyers' Committee for Civil Rights Under Law. In addition, SCHOOL FINANCE REFORM IN THE STATES: 1978, prepared and issued by the Education Commission of the States is a readable and useful analysis of contemporary trends. The complete citations are:

Callahan, John C., and William H. Wilken, eds., School Finance Reform: A Legislator's Handbook, The Legislator's Education Action Project for the National Conference of State Legislators: Washington, D.C., February, 1976.

Long, David C., Kohn, Richard S., and Sherman, Joel D., Update on School Finance Cases 1978, School Finance Project of Lawyers' Committee for Civil Rights Under Law: Washington, D.C. 1978.

Odden, Allan, School Finance Reform In The States, Report No. F78-1. The Education Finance Center - Education Commission of the States: Denver, Colorado, June 1978.

On minimal competency testing, I found two 1977 reports of the Educational Testing Service to be especially useful. BASIC SKILLS ASSESSMENT AROUND THE NATION is a state-by-state survey and analysis of competency testing. THE USE OF TESTS

IN THE POLICY ARENA, reports the proceedings of an Education Policy Research Institute Conference held in New Jersey in 1976. In addition, the May, 1978 issue of PHI DELTA KAPPAN contains several useful articles on competency testing.

Educational Testing Service. Basic Skills Assessment Around the Nation. An ETS Information Report, September, 1977.

_____, Education Policy Research Institute. The Use of Tests in the Policy Arena. A report of the New Jersey Conference proceedings, 1976.

Phi Delta Kappan, May, 1978.

The literature on collective bargaining is voluminous. For a general and comprehensive work, I suggest Anthony M. Cresswell and Michael J. Murphy, EDUCATION AND COLLECTIVE BARGAINING (1976). For a collection of interesting essays on collective bargaining in postsecondary education, one should look at Jack H. Schuster (ed.), NEW DIRECTIONS FOR HIGHER EDUCATION: ENCOUNTERING THE UNIONIZED UNIVERSITY (1974).

Cresswell, Anthony M., and Michael J. Murphy, Education and Collective Bargaining. The University Council for Educational Administration. Berkeley, California. McCutchan Publishing Corporation, 1976.

Schuster, Jack H., New Directions For Higher Education: Encountering the Unionized University. Washington, D.C.: Jossey - Bass Inc., Publishers, 1974.

On governance issues in post-secondary education, the following two reports offer different but useful perspectives.

Governance of Higher Education: Six Priority Problems. A Report and Recommendations by the Carnegie Commission on Higher Education. New York: McGraw-Hill, 1973.

Coordination or Chaos? Report of the Task Force on Coordination, Governance and Structure of Post-secondary Education. Denver: Education Commission of the States. Report #43.

Perhaps the single most useful publication on education of the handicapped is the Institute for Educational Leadership's 1977 report, EDUCATION POLICY AND THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT (P.L. 94-142). In addition, PUBLIC LAW

94-142 AND SECTION 504 - UNDERSTANDING WHAT THEY ARE AND ARE NOT (1977), prepared by the Council for Exceptional Children, provides a suscinct comparison of P.L. 94-142 and Section 504 of the Rehabilitation Act.

Boston, Bruce O., Education Policy and the Education For All Handicapped Children Act (P.L. 94-142): A Report of Regional Conferences, The Institute for Educational Leadership, George Washington University: Washington, D.C., January-April, 1977.

Ballard, Joseph, Public Law - 94-142 and Section 504 - Understanding What They Are and Are Not, Council for Exceptional Children, Reston, Virginia, 1977.

Most of the literature on declining enrollments is statistical in nature and quite technical. The most useful and comprehensive analysis of this issue is the recent N.I.E. report, DECLINING ENROLLMENTS: THE CHALLENGE OF THE COMING DECADE (1978). A less comprehensive, although still useful publication is THE FISCAL IMPACTS OF DECLINING ENROLLMENTS (1976), prepared by Allan Odden and Phillip E. Vincent of the Education Finance Center of the Education Commission of the States. This latter publication is a study of declining enrollment in Michigan, Missouri, South Dakota and Washington but has implications for other states as well. Finally, for a case study of one state, one should see MICHIGAN'S SCHOOL ENROLLMENT DECLINE: PROJECTIONS AND IMPLICATIONS (1977), a report prepared by a special task force for the Michigan Department of Education. The short (13 page) Executive Summary of the full report should serve the purpose of most readers.

National Institute of Education. Declining Enrollments: The Challenge of the Coming Decade. N.I.E. Report, 1978.

Odden, Allan, and Vincent, Phillip E., The Fiscal Impacts of Declining Enrollments, Report No. F76-5. The Education Finance Center - Education Commission of the States: Denver, Colorado, December, 1976.

Michigan Department of Education Task Force. Michigan's School Enrollment Decline: Projections and Implications, 1977.

On the general issue of educational governance, I especially recommend STATE POLICY MAKING FOR THE PUBLIC SCHOOLS (1976) by Roald F. Campbell and Tim L. Mazzoni, Jr.

Campbell, Roald F., and Tim L. Mazzoni, Jr., State Policy Making for the Public Schools, Berkely, California: McCutchan Publishing Corporation, 1976.

For excellent treatments of federalism, intergovernmental relations, and state politics, I recommend:

Elazar, Daniel J., American Federalism: A View From the States. New York: Thomas Y. Crowell Co., 1972.

Wright, Deil S., Understanding Intergovernmental Relations. North Scituate, Mass.: Dunbury Press, 1978.

Jacob, Herbert, and Kenneth Vines, eds., Politics In The American States. Boston, Mass.: Little, Brown and Co., 1976.

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